

# State of North Carolina



BEVERLY EAVES PERDUE  
GOVERNOR

## EXECUTIVE ORDER NO. 17

### NOTICE AND REPORTING OF ECONOMIC DEVELOPMENT CONSULTING RELATIONSHIPS

**WHEREAS**, governmental decisions relating to economic development projects should be made based on the best interests of the State and the affected communities involved; and

**WHEREAS**, in making decisions relating to economic development projects, public officials should avoid conflicts of interest and the appearance of conflicts of interest.

**NOW THEREFORE**, by the power vested in me as the Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED**:

1. As a part of conducting due diligence on economic development projects, the Department of Commerce shall obtain from businesses seeking benefits under the State's economic development incentive programs identified in Section 10 of this Order the names and addresses of all consultants retained to advise and assist the business in securing those benefits. For each consultant, the Department of Commerce shall obtain the names and addresses of all employees and agents of the consultant working on the project.
2. Such information shall be collected as part of the application forms for the State's incentive programs and before the Department of Commerce begins consideration of any benefits for the project under the State's incentive programs.
3. For all currently active projects that are being considered for possible benefits under the State's incentive programs, the Department of Commerce shall obtain the information from businesses within 60 days of the date of this Order or prior to any approval or award of benefits for the project, whichever comes first.
4. The Department of Commerce shall submit the names of consultants on a project to the Governor, the Secretary of Commerce, and each member of the Economic Investment Committee for those projects that will come before the Governor, Secretary, or Committee for consideration. The Governor, the Secretary of Commerce, and each member of the Economic Investment Committee shall review the names submitted to determine if she or he has a financial, personal, or familial relationship with any consultant or with any individual or entity employed by or affiliated with that consultant.
5. The Governor, Secretary of Commerce, or any member of the Economic Investment Committee, in consultation with legal counsel employed by or assigned to her or his office, agency, or board, shall take appropriate steps, considering the nature of the project and the level of involvement of


the consultant, to limit her or his involvement in the project to the extent necessary to protect the public interest when the impartiality of the Governor, Secretary of Commerce, or member might reasonably be questioned due to a financial, personal, or familial relationship with a consultant or that consultant's employees or agents. If the Governor, the Secretary of Commerce, or a member of the Economic Investment Committee is the only individual having legal authority to take action or make a decision regarding the business, such person shall follow the provisions of G.S. § 138A-38(a)(7) in taking any such action or making any such decision.

6. The Governor, Secretary of Commerce, or member of the Economic Investment Committee, or her or his legal counsel, may consult with the staff of the State Ethics Commission in making the determination in Section 5 of this Order.
7. The Governor's Ethics Officer or counsel to the Economic Investment Committee shall inform the Secretary of Commerce of any action taken pursuant to Section 5 of this Order. In cases where the Secretary of Commerce takes action pursuant to Section 5 of this Order, she or he shall inform the Governor's Ethics Officer.
8. Documents generated under this Order are considered public records subject to disclosure in accordance with the provisions of G.S. § 132-6(d).
9. For purposes of this Order, a "business" is defined as an entity or individual, other than a local government, that seeks benefits, through the Department of Commerce, under the State's economic development incentive programs identified in Section 10 of this Order.
10. The following programs are the "State's incentive programs" covered by the provisions of this Order: the Site Infrastructure Development Fund, pursuant to G.S. § 143B-437.02; the Job Maintenance and Capital Development Fund, pursuant to G.S. § 143B-437.012; the North Carolina Green Business Fund, pursuant to G.S. § 143B-437, Part 2B; the Job Development Investment Grant Program, pursuant to G.S. § 143B-437, Part 2G; the One North Carolina Fund, pursuant to G.S. § 143B-437, Part 2H; and the One North Carolina SBIR/STTR Incentive Program, pursuant to G.S. § 143B-437, Part 2I.

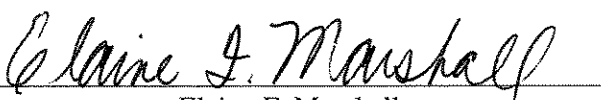
This Executive Order shall be effective immediately and remain in effect until rescinded.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this seventh day of July in the year of our Lord two thousand and nine, and of the Independence of the United States of America the two hundred and thirty-fourth.



  
Beverly Eaves Perdue  
Governor

**ATTEST:**

  
Elaine F. Marshall  
Secretary of State